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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,529	09/21/2001	Benjamin Renaud	ORACL-01067US0	5297

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EXAMINER	
VU, TUAN A	
ART UNIT	**PAPER NUMBER**
2193	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/960,529	RENAUD, BENJAMIN	
	Examiner	Art Unit	
	Tuan A. Vu	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,13-16,19-28,37,38,40-49,55 and 56* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,13-16, 19-28, 37-38, 40-49, 55-56* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the Applicant's response filed 5/13/08.

As indicated in Applicant's response, no claims have been amended. Claims 1-9, 13-16, 19-28, 37-38, 40-49, 55-56 are pending in the office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-9, 13-16, 19-28, 37-38, 40-49, 55-56 are rejected under 35 U.S.C. 102(a) as being anticipated by WebLogic Server 6.0, Deploying EJBs in the EJB Container, Programming WebLogic Enterprise JavaBeans, e-docs.bea.com, pp. 1-5, archive copy 4/17/2001 (hereinafter WLS6) URL:

http://web.archive.org/web/20010417134926/http://e-docs.bea.com/wls/docs60/ejb/deploy.html

As per claim 1, WLS6 discloses a method of automatically deploying an application across a distributed computing domain including a plurality of processing devices, the method comprising:

(a) automatically scanning for an undeployed application stored in an application directory accessible to at least one of the plurality of processing devices (*one or more ... Servers* – pg. 1, bottom), the application directory (Automatic Deployment Directory - pg. 2, bottom pg. 3, top) including at least one currently deployed application;

(b) recognizing an undeployed application in the application directory; and

(c) deploying the undeployed application (e.g. recompile …redeploys - pg. 3, bottom, pg. 4, top) to a selected portion of the plurality of processing devices, such that the application is capable of being executed by the portion of the plurality of processing devices (e.g. Resources role names descriptor – pg. 2, top Note: resource identification of specific server reads on selected portion of devices execution EJB application), wherein when the undeployed application is placed in the application directory it is automatically deployed without requiring any other user step (Note: automatically checking jar xml directory for redeploying reads on without user intervention).

As per claims 2-3, WLS6 discloses

obtaining a list of applications stored in the application directory (weblogic-ejb-jar.xml – pg. 2, top); comparing the list of applications stored in the application directory to a list of previously deployed applications (ejb-jar.xml pg. 4) in order to select the application to be deployed; and deploying the selected application to the selected portion of the plurality of processing devices;

selecting the application to be deployed from the list of applications stored in the application directory when the application is absent from the list of previously deployed applications (e.g. *it is automatically redeployed* – pg. 2, bottom – Note: redeploying reads on absent from previously or currently deployed list).

As per claims 4-5, WLS6 discloses selecting the application to be deployed from the list of applications stored in the application directory when the value of a deployment indicator associated with the application differs from the value of a deployment indicator recorded on the list of previously deployed applications (e.g. weblogic-ejb-jar.xml: *caching descriptor, reference*

descriptor, persistence descriptor, resource descriptor -- middle pg. 2 – Note: descriptor in xml related to a deployment related jar file, i.e. indicative of state of deployment or change in JAR – see pg. 3, middle; *timestamp* - pg. 4, bottom – reads on checking on deployment metadata stored as descriptor inside the ejb-*jar.xml* file), wherein the deployment indicator is an attribute of a file containing the application (See Descriptor from above).

As per claims 6-8, WLS6 discloses attribute of the file containing the application is the date (directory - pg. 4, middle; *timestamp* - pg. 4, bottom– Note: directory inherently includes file properties with date and time of modification/creation) of the file, the deployment indicator is an attribute (see *.jar Directory* – pg. 4, middle; *Meta-INF directory*,pg. 4, top – Note: triggering a redeployment based on timestamp of a session- related bean via reading a xml file r or meta-inf reads on attribute of another ejb file related to some timestamp) of a file associated with at least one separate file containing the application, wherein the attribute is the date of the file.

As per claim 9, WLS6 discloses wherein the selected portion of the plurality of processing devices is determined from an analysis of a plurality of attributes associated with the undeployed application and a plurality of attributes associated with the distributed computing domain (see clustering, resources descriptor pg. 2, middle ; see Automatic Deployment pg. 3-4).

As per claims 13-14, WLS6 discloses the step of scanning is initiated periodically after the passage of a predetermined time interval (e.g. every ten seconds – pg. 2, bottom) wherein the undeployed application is comprised of a plurality of application components contained in a single file (jar files – pg. 2, bottom)

As per claims 15-16, WLS6 discloses that the undeployed application is comprised of a plurality of application components each contained in a separate file (refer to claim 14) wherein the undeployed application is a J2EE application (see *weblogic-ejb-jar.xml* –pg. 2).

As per claim 19, WLS6 discloses a method of automatically maintaining an application object across a distributed computing domain, the application object contained within at least one application file and the distributed computing domain including a plurality of processing devices (refer to claim 1), the method comprising the steps:

(a) retrieving a list of all of the application files located within an application directory;

(b) comparing the list of all of the files located within an application directory to a list of all of the files associated with currently deployed application objects;

(c) for each application file, deploying the application object contained in the application file when the application file is absent from the list of all the files associated with currently deployed application objects;

(d) for each application file, redeploying the application object contained in the application file when the application file differs from the corresponding file on the list of all of the files associated with previously deployed application objects (refer to claim 2-3 –Note: comparing from list of currently deployed or absent therefrom for redeployed are limitation steps that been addressed in claims 2-3).

); and

(e) for each application file on the list of all of the files associated with currently deployed application objects, undeploying the application object associated with an application file when the application file on the list of all of the files associated with currently deployed

application objects is absent from the list of all of the application files located within the application directory (see pg. 2, bottom, pg. 3, middle – Note: redeploying application because of a changed jar file to replace an older jar file reads on undeploying an older jar-related files when the directory only dictates deployment an updated jar file)

wherein when the undeployed application is placed in the application directory it is automatically deployed without requiring any other user step; wherein when the application is removed from the directory it is undeployed without any other user action (Note: automatically checking jar xml directory for redeploying reads on without user intervention).

As per claim 20, WLS6 discloses wherein:

in the step of redeploying, the difference is determined by comparing the value of a deployment indicator associated with an application file with the value of a deployment indicator recorded on the list of currently deployed application objects (Note: refer to claim 4 and claim 9 for corresponding subject matter and rejection).

As per claims 21-27, the subject matter of these claims correspond to that of claims 5-8, 13 and 16 (for J2EE of claims 26-27) respectively, hence will be rejected with the respective rejection as set forth therein.

As per claim 28, see WLS6: Weblogic server, pg. 1-2.

As per claims 37-38, WLS6 discloses an article of manufacture including an information storage medium wherein is stored information, the information comprising:

a group of processor readable instructions adapted to operate on a processing device, wherein the group of processor readable instructions are adapted to operate the processing device according to the method of Claim 1 (refer to claim 1, and 19).

As per claim 40, WLS6 discloses a processing system including at least a first processing device and a memory device accessible by the first processing device, the processing system comprising a group of processor readable instructions stored in the memory device and operating the first processing device (Weblogic Server, pg. 1) to perform a group of steps including:

(a) automatically scanning for an undeployed application stored in an application directory accessible to first processing device, the application directory including at least one currently deployed application;

(b) recognizing an undeployed application in the application directory; and

(c) deploying the undeployed application to a selected portion of the processing system, such that the application is capable of being executed by the portion of the processing system (refer to claim 1 for corresponding rejection)

wherein when the undeployed application is placed in the application directory it is automatically deployed without requiring any other user step (Note: automatically checking jar xml directory for redeploying reads on without user intervention).

As per claim 41, WLS6 discloses a first computer (Weblogic server pg. 1)

As per claims 42-43, WLS6 discloses including a second processing device in communication with the first processing device, wherein the selected portion of the processing system includes the second processing device (e.g. automatic deployment, directory, pg. 2-4 – Note: the JAR scanning and selection of application files based on the XML file to be redeployed– or first processing device- in conjunction or communication with the redeployment process, i.e. a second processing device, itself in the same environment, reads on to selected

portion including a second processing device; i.e. both the first processing device and the second processing device are located on a first compute) where the selecting for deployment and the deployment process is executed on the same server machine, WLS6 has disclosed the first processing device and the second processing device are located on a first computer.

As per claim 44, WLS6 discloses the first processing device is located on a first computer and the second processing device is located on a second computer (*one or more ... Servers* – pg. 1, bottom).

As per claim 45, WLS6 discloses a processing system including at least a first processing device and a memory device accessible by the first processing device, the processing system comprising a group of processor readable instructions stored in the memory device and operating the first processing device to perform a group of steps as they are recited in claim 19 (refer to claim 1 for corresponding rejection)

As per claims 46-49, the subject matter of these claims corresponds to that of claims 41-44, hence is rejected with the respective rejection as set forth therein.

As per claim 55, WLS6 discloses a computer-implemented method for deploying applications to an application server comprising:

automatically deploying an application to an application server when the corresponding unpackaged unpackaged application files are added to a smart directory; and

automatically undeploying the application application files are removed from the smart directory (see pg. 2-4 and refer to claim 1; see pg. 2, bottom, pg. 3, middle – Note: redeploying application because of a changed jar file to replace an older jar file reads on undeploying an older jar-related files when the directory only dictates deployment an updated jar file).

wherein when the undeployed application is placed in the application directory it is automatically deployed without requiring any other user step; wherein when the application is removed from the directory it is undeployed without any other user action (Note: automatically checking jar xml directory for redeploying reads on without user intervention).

As per claim 56, WLS6 discloses wherein the unpackaged application files are automatically packaged (*repackaging* – pg. 3, bottom, pg. 4 top) before they are provided to the application server.

Response to Arguments

4. Applicant's arguments filed 5/13/08 have been fully considered but they are not persuasive. Following are the Examiner's observation in regard thereto.

Affidavit under CFR § 1.132:

(A) The Applicant has submitted the relevant subject matter from cited BEA web pages is derived from the inventor and that the inventor's efforts has been determined by the attorney as being source to the BEA web pages.

First, the declaration consists of the following:

The references "Weblogic Server 5.1 EJB Deployment Properties" and "Deploying EJB's in the EJB Container" are descriptions of Weblogic Server 5.1. These references include a description of the smart directory (automatic deployment directory) that was invented by me.

And accordingly, the affiant states that 'Smart directory' is described in this BEA document (referred to herein as WLS6); which is deemed not convincingly evident. The cited portions discloses how to redeploy .jar using a automatic deployment Directory, the term 'Smart directory' as explicitly called for by the Affiant particularly missing. One cannot construe how the above document assertively establishes that the concept of 'automatic deployment directory'

is actually 'Smart Directory' as this is disclosed in the present Application Specifications. Lacking evidence from the Affiant or from BEA as to prove otherwise, there is no clear conclusive statement of fact that 'Smart Directory' as averred above is contemplated in the EJB container context by the BEA web document (WLS6)

Second, the above Web document has no authorship and to declare that only a specific portion of this document is work done by, or effort from the affiant entails the understanding that some showing that a part of the authorship is imparted to the affiant's work or effort; and when no evidence is provided to **map which part** in said un-authored document is **clearly** (semantically and syntactically) invention by the affiant – invention represented by a subject matter that is substantially reflected in the very claimed subject matter herein of the Application – one recourse left is to rely on the declaration in terms of its legal compliancy.

In terms of semantic respect, it is deemed that the only sworn statement provided as '*These references include a description of the smart directory (automatic deployment directory) that was invented by me*' exhibits some deficiencies, as following:

There is an unjustified leap in equating terminology in affiant's analogizing that 'Smart directory' is 'automatic deployment directory' without further explanation or exhibits. Moreover, since the affiant's name is not explicitly mentioned as official author of WLS6 (BEA document) the declaration is **lacking a statement** whereby the affiant swears that a specific part thereof has been authorized by the affiant in order for another entity/group/person to effectuate to editing, the creating, and the publishing of said document. It would be much easier to agree with the declaration if some evidence is provided to show authorization by BEA or by Mr. Renaud to publish or create such document, with reasonable conveying that a portion thereof

describes a 'Smart Directory' type subject matter, i.e. actually included with the BEA document; and being work actually derived from affiant or the name of Renaud. Lacking evidence, assessing the validity of the declaration has to be extended in terms of validating its legal syntactic **format**.

That is, the clause regarding "*willful false statements ...*" required by 37 CFR 1.68 has been omitted; a deficiency which can be more globally termed as: *It was not executed in accordance with either 37 CFR 1.66 or 1.68. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.*

(B) The declaration under 37 CFR 1.132 filed 8/28/07 is insufficient to overcome the rejection of claims 1-9, 13-16, 19-28, 37-38, 40-49, 55-56 based upon BEA WLS6 as set forth in the last Office action because of the combination of all of the above.

(C) The Examiner has indicated in the previous Office Action what items need to be provided to help validate the propriety of the affiant's declaration, and since no evidence is filed, the current Response can be considered not fully responsive to the prior Office Action because the Applicant contends with re-applying the effect of a previously dismissed § 1.132 declaration.

(D) Lacking further argument to overcome the current grounds of rejection, **the claims stand rejected** as set forth in the office action, taking into consideration the observations made during this Office action regarding deficiency of the declaration, as well as suggestion made in the previous Office Action.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571)272-3759.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence - please consult Examiner before using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan A Vu/

Primary Examiner, Art Unit 2193

August 07, 2008